

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for a Determination of the Adequacy of Warning Devices at the Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with Milwaukee Street in the City of Plymouth, Sheboygan County

On the Commissioner's Own Motion for the Investigation of the Closure of the Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with Milwaukee Street in the City of Plymouth, Sheboygan County

9170-RX-305

NOTICE OF INVESTIGATION AND HEARING
AND ASSESSMENT OF COSTS

On June 13, 2014, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination pursuant to Wis. Stat. § 195.28 of the adequacy of warning devices at the grade crossing of the Wisconsin & Southern Railroad Co. (WSOR) tracks with Milwaukee Street in the City of Plymouth, Sheboygan County (Crossing No. 387 094 Y / MP 139.51).

Subsequent to DOT's petition, the Commissioner of Railroads, Jeff Plale, pursuant to Wis. Stat. §§ 195.03 (2), 195.28 and 195.29 directed the staff of the OCR to investigate and conduct a hearing regarding the potential closure of the Milwaukee Street crossing. Before making a decision regarding the DOT proposal, the Commissioner needs to determine whether the crossing ought to be closed instead. The closure of a crossing means that the roadway is terminated at the tracks and permanently closed to public travel.

This matter was set for hearing on September 3, 2014. The hearing was postponed indefinitely when the City indicated it was beginning the process to vacate Milwaukee Street at the crossing. The Plymouth common council later voted not to vacate the street.

The issues for the hearing are:

1. Would closure of the Milwaukee Street crossing promote public safety and convenience?
2. If the Milwaukee Street crossing remains open, what warning devices would be necessary to adequately protect and promote public safety?
3. If the crossing is closed, how shall the costs of the crossing closure be apportioned?

If this proceeding is contested, it is deemed to be a Class I proceeding as defined in Wis. Stat. § 227.01.

PLEASE NOTE: The Office will hold a public hearing at the **Plymouth City Hall, Fire Department Training Hall, 128 Smith Street (entrance on Caroline Street), Plymouth, Wisconsin, on March 18, 2015 at 1:30 p.m. and continuing at 6:30 p.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Wisconsin & Southern Railroad Co. in accordance with Wis. Stat. § 195.60 and Wis. Admin. Code § RR 2.04.

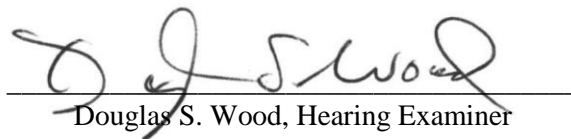
Upon reasonable notice, the Office will accommodate the needs of disabled individuals. Contact the Office at (608) 266-9536, (608) 267-1479/TTY, or (Fax) (608) 261-8220, or by writing to the Office at 610 N. Whitney Way, Room 110, PO Box 7854, Madison, Wisconsin 53707-7854.

Please contact the OCR staff with any questions, at (608) 266-0276.

The OCR now publishes all notices, orders, proposed decisions and final decisions on the Internet. These documents may be accessed at either <http://ocr.wi.gov/apps40/dockets/default.aspx> or on the Public Service Commission's website at <http://psc.wi.gov>

Dated at Madison, Wisconsin, January 27, 2015.

By the Office of the Commissioner of Railroads.



Douglas S. Wood, Hearing Examiner

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